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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,760	09/12/2003	Roger J. Jellicoe	MOT-CS22372RL	8152
35813	7590	10/28/2005	EXAMINER	
DESIGN IP-DEPT. MOT 5000 W. TILGHMAN STREET SUITE 153 ALLENTOWN, PA 18104			WEST, LEWIS G	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,760

Applicant(s)

JELLICOE, ROGER J.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-23 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Response to Amendment***

The affidavit filed on July 26, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Chuang (US 2004/0207604) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Chuang reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). Applicant's only provided evidence is photographs, and applicant has not stated whether these photographs were taken recently or at the time of initial construction. Therefore applicant has not provided a nexus of evidence sufficient to establish an earlier date. Further, the scope of the declaration or affidavit is not commensurate with the scope of the claim(s), as the photographs do not show characters displayed in different orientations.

***Response to Arguments***

Applicant's arguments filed July 26, 2005 have been fully considered but they are not persuasive. Given that the Chuang reference has not been overcome, related arguments are moot.

Applicant has not argued against the Pekka reference. Therefore no response to argument with respect to this reference may be provided.

Applicant has stated (see the first paragraph of page 3, line 6 of applicant remarks of July 26, 2005), "the concept of operation in different display orientations is taught by *Chuang*".

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Therefore applicant is in agreement that the Chuang reference provides for all claim limitations of claim 1.

Regarding claim 5 and 6, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., keypads that move transverse to each other) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant claims a display moving relative to the keypads, but does not claim 2 keypads moving relative to one another. Therefore this argument is moot.

Applicant's arguments with respect to claims 2-8, 11-13 and 24-26 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment changed the scope of at least claims 2-8 and 11-13, and claims 24-26 are newly added. Therefore new search and consideration is necessitated by this amendment, and this action is made final.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-4 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuang (2004/0207604 A1).

Regarding claim 1, Chuang discloses a communication device, comprising: a front housing having a display panel (5) that displays characters in at least two orientations. (0019); a first keypad housing including a first keypad (31) being functionally connected to the front housing and having a plurality of keys arranged in a first configuration (paragraph 0019); and a second keypad (32) housing including a second keypad being functionally connected to the front housing and having a plurality of keys arranged in a second configuration (0023); wherein the first configuration is different from the second configuration (0019, 0023); wherein the front housing, first keypad housing, and second keypad housing are adapted to overlap and stack in a nested configuration in which the first and second keypads are concealed by the front housing (Figure 4; paragraphs 0019-0021), and the front housing is movable relative to each of the first and second keypad housings from the nested configuration to an extended position in which at least one of the first and second keypads is exposed. (0019-0021)

Regarding claim 2, Chuang discloses the communication device of claim 1, wherein the second keypad housing is movable relative to the first keypad housing from the nested configuration to an extended position. (0021)

Regarding claim 3, Chuang discloses the communication device of claim 2, wherein the second keypad is exposed by moving the front housing from the nested configuration to an extended position, and the first keypad is exposed by simultaneously moving the front housing and the second keypad housing to an extended position. (0019-0021)

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Regarding claim 4, Chuang discloses the communication device of claim 1, wherein the first keypad is exposed by moving the front housing from the nested configuration along a first path of travel, and the second keypad is exposed by moving the front housing from the nested configuration along a second path of travel, the second path of travel being different than the first path of travel. (0019-0021; Figure 4)

Regarding claim 10, Chuang discloses the communication device of claim 9, wherein the at least two orientations include a first orientation and a second orientation, the plurality of keys of the first keypad are arranged in a third orientation and the plurality of keys of the second keypad are arranged in a fourth orientation, wherein the first orientation is the same as the third orientation and the second orientation is the same as the fourth orientation. (0019,0023)

Regarding claim 11, Chuang discloses the communication device of claim 1, including a plurality of soft keys on the front housing that are operational when either the first or second keypad is exposed. (0018)

Regarding claim 12, Chuang discloses the communication device of claim 1, wherein the front housing, the first and second keypad housings are telescopically connected to one another. (0019-0021; Figure 4)

Claims 1, 7, 8 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pekka (US 2005/0017953)

Regarding claim 1, Pekka discloses a communication device, comprising: a front housing having a display panel (3C) that displays characters in at least two orientations (3A-3G); a first

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keypad housing including a first keypad (3 A-G) being functionally connected to the front housing and having a plurality of keys arranged in a first configuration (3A-G); and a second keypad (3A-G) housing including a second keypad being functionally connected to the front housing and having a plurality of keys arranged in a second configuration (3A-G); wherein the first configuration is different from the second configuration (3A-G; paragraph 0033); wherein the front housing, first keypad housing, and second keypad housing are adapted to overlap and stack in a nested configuration in which the first and second keypads are concealed by the front housing (Figures 1A-2D), and the front housing is movable relative to each of the first and second keypad housings from the nested configuration to an extended position in which at least one of the first and second keypads is exposed. (Figs. 1C, 2C; 0033-0035)

Regarding claim 7, Pekka discloses the communication device of claim 1, wherein the plurality of keys of the first keypad are arranged in a QWERTY configuration and the plurality of keys of the second keypad are arranged in a telephone keypad configuration. (3A-G)

Regarding claim 8, Pekka discloses the communication device of claim 1, wherein the plurality of keys of the first keypad are arranged in a game configuration and the plurality of keys of the second keypad are arranged in a telephone keypad configuration. (3A-G).

Regarding claim 13, Pekka discloses the communication device of claim 1, including a speaker and microphone (0036), although not directly stated, it is inherent that and ITU phone has a speaker and microphone.

Claims 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hyun (US 6,834,199 B2).

Regarding claim 24, Hyun discloses a communication device, comprising: a display panel that displays characters in a first orientation and a second orientation; a first keypad functionally connected to the display panel and having a plurality of keys arranged in a first configuration, the first keypad being slidable from a nested position to an extended position along a first path of travel; and a second keypad functionally connected to the display panel and having a plurality of keys arranged in a second configuration, the second keypad being slidable from a nested position to an extended position along a second path of travel; wherein the first configuration is different from the second configuration and the first path of travel is different from the second path of travel. (Col. 4 line 19- col. 5 lines 3; Figures 2-9C)

Regarding claim 25, Hyun discloses the communication device of claim 24, wherein the first and second paths of travel are linear. (Figure 4, 5, 7B, 7 C , 8B, 8C, 9B, 9C)

Regarding claim 26, Hyun discloses the communication device of claim 24, wherein the display, first keypad, and second keypad overlap and stack when the first and second keypads are both in a nested position. (Figures 1, 7A, 8A, 9A)

Claims 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy (US 6,707,644 B2).

Regarding claim 24, Murphy discloses a communication device, comprising: a display panel that displays characters in a first orientation and a second orientation; a first keypad functionally connected to the display panel and having a plurality of keys arranged in a first configuration, the first keypad being slidable from a nested position to an extended position along a first path of travel; and a second keypad functionally connected to the display panel and



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having a plurality of keys arranged in a second configuration, the second keypad being slidable from a nested position to an extended position along a second path of travel; wherein the first configuration is different from the second configuration and the first path of travel is different from the second path of travel. (Col. 4 line 65- col. 5 lines 5; Figures 1-5)

Regarding claim 25, Murphy discloses the communication device of claim 24, wherein the first and second paths of travel are linear. (Col. 4 line 65- col. 5 lines 5; Figures 1-5)

Regarding claim 26, Murphy discloses the communication device of claim 24, wherein the display, first keypad, and second keypad overlap and stack when the first and second keypads are both in a nested position. (Col. 4 line 65- col. 5 lines 5; Figures 1)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang (2004/0207604 A1) in view of Finke-Anlauff.(US 6,850,226)

Regarding claim 5, Chuang discloses the communication device of claim 4, but does not expressly disclose a transverse travel path. Finke-Anlauff discloses a movable display which moves transverse relative to a first keypad to expose a second keypad. (Col. 3 lines 42-63) Therefore it would have been obvious to one of ordinary skill in the art at the time of the

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invention to have the first path of travel is transverse to the second path of travel to allow for operations in different orientation as suggested in Finke Anlauff (Col. 3 lines 54-63).

Regarding claim 6, the combination of Chuang and Finke-Anlauff discloses the communication device of claim 5, wherein the first and second paths of travel are linear.

(Chuang 0019-0021; Figure 4)

### ***Allowable Subject Matter***

Claims 14-26 are allowable as indicated in the previous office action dated March 3, 2005.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien B. Vuong can be reached on 571-272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lewis West  
(571) 272-7859

 10/21/05  
QUOCHIE B. VUONG  
PRIMARY EXAMINER